IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Ping-Sheng Tseng   §
§
Serial No.: 09/954,715   §   Group Art Unit: 2128
§
Confirmation No.: 8847   §   Examiner: Akash Saxena
§
Filed: September 12, 2001   §
§
For: COMMON SHARED MEMORY IN A   §
VERIFICATION SYSTEM   §
§

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REPLY BRIEF

Appellants submit this Reply Brief to the Board of Patent Appeals and Interferences in the above-identified application.

REPLY TO EXAMINER'S ANSWER

First, the Examiner stated "[t]o emphasize that the limitation related to shared resource (memory specifically), and direct access of the software model to the hardware model, <u>although obvious in BH'900</u>, teachings of Klein are presented below." (Examiner's Answer, p. 5). In Appellants' Appeal Brief, it was noted that to the extent the Examiner is arguing that this feature is obvious in view of BH'900 <u>alone</u>, the Examiner has not provided a prima facie case of obviousness with respect to BH'900 alone merely by stating it is obvious. The Examiner alleged that Appellants have misread this statement as a motivation to combine. (Examiner's Answer, p. 25). This, however, was not Appellants' intention. Rather, Appellants were merely pointing out that the Examiner did not provide a prima facie case of obviousness of Appellants' claims based on BH'900 alone and that the phrase "although obvious in BH'900" in the above statement should not be given any weight as a separate rejection. The only rejection presented for claims 1-6, 19-36, 38, and 44-46 was for the combination of BH'900 and Klein.

Second, the Examiner contends that the broadest <u>reasonable</u> interpretation of the feature of "shared memory" in Appellants' claims includes both physical and logical memories. (Examiner's Answer, pp. 28-29). This is clearly an <u>unreasonable</u> interpretation of "shared memory" in Appellants' claims. For example, Appellants claim "a computing system", "an internal bust system", "reconfigurable hardware logic", and "control logic" without stating that they are physical circuits, but they clearly are physical circuits. There is simply no requirement that every feature in an apparatus claim be prefaced by the term "physical" in order to exclude abstract or logical constructions of that feature. Claim terms are given their broadest reasonable interpretation when read in light of the specification by one skilled in the art. Accordingly, Appellants' claimed "shared memory" is a physical circuit that electronically stores information. To require Appellants to preface "shared memory" with "physical" is unreasonable. To interpret Appellants' "shared memory" to cover logical constructions of memory is unreasonable.

The "single coherent view" of memory in Klein is not a physical shared memory, but rather a logical conception. Stated simply, the "shared memory" in Appellants' claims can be held in one's hands, inserted into a computer system, and electronically store first and second information via the application of specific voltages, signals, etc. One cannot

hold a "single coherent view of memory" or insert such a view of memory into a computer system to store information electronically. Appellants' attempted to give further proof of this by noting that Klein teaches a pure software simulator, as compared to "reconfigurable hardware logic" recited in Appellants' claims. The Examiner noted that BH'900 is being used to show the "reconfigurable hardware" and that Klein is being used to teach the details of the shared memory. (Examiner's Answer, p. 27). The Examiner contended that Appellants were using a "piecemeal analysis" of the combination. (Examiner's Answer, p. 27). As noted above, Appellants were merely offering proof that Klein teaches a pure software simulator and thus the "single coherent view" of the memory cannot be a physical shared memory as recited in Appellants' claims. A logical conception of memory does not teach, suggest, or otherwise render obvious Appellants' claims having the shared memory feature.

Finally, since each of Appellants' appealed claims includes either directly or indirectly the "shared memory" feature discussed above, since the Examiner did not cite any reference other than Klein that teaches or suggests such a feature, and since Klein does not teach or suggest Appellants' shared memory, Appellants contend that for at least this reason all of the Examiner's rejections should be reversed.

Respectfully submitted,

6/2/2008   /Robert M. Brush/
Date   Robert M. Brush
                                             Registration No. 45,710

                                             MOSER IP LAW GROUP
                                             1030 Broad Street, 2nd Floor
                                             Shrewsbury, NJ 07702